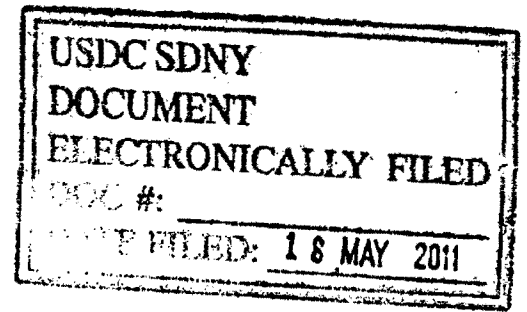


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
K.M. et al.,

Plaintiffs,

-v-

No. 10 Civ. 7942 (LTS)(RLE)

MACLAREN USA, INC.,

Defendant.  
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**ORDER ADOPTING REPORT AND RECOMMENDATION**

Infant plaintiff K.M. and his mother ("Plaintiffs") bring the above-captioned personal injury action, based on product liability theories of design and manufacturing defects and failure to warn, against defendant Maclaren USA, Inc. ("Defendant"). Plaintiff brought this action in New York state court and Defendant removed it to this Court, asserting the parties' diversity of citizenship. Defendant then moved to transfer this action to the United States District Court for the Southern District of Ohio or, in the alternative, to compel Plaintiffs to post security for Defendant's costs with the Court. Judge Ellis has issued a Report and Recommendation (the "Report") recommending that Defendant's motion be denied in all respects. (Docket entry no. 47 ("Report").) Defendant filed objections to the Report on April 22, 2011. (Docket entry no. 48.) The Court has considered carefully the parties' submissions in connection with the motion, the Report, and Defendant's objections and hereby adopts the Report in its entirety.


In reviewing the Report, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C). The Court is required to make a de novo determination as to the aspects of the Report to which specific objections are made. United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997). When a party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report only for clear error. See Camardo v. General Motors Hourly-Rate Employees Pension Plan, 806 F. Supp. 380, 382 (W.D.N.Y. 1992) (court need not consider objections which are frivolous, conclusory, or general, and which constitute a rehashing of the same arguments and positions taken in original pleadings); Schoolfield v. Dep't of Corr., No. 91 Civ. 1691(MJL), 1994 WL 119740, at \*2 (S.D.N.Y. Apr. 6, 1994) (objections stating the magistrate judge's decisions are wrong and unjust, and restating relief sought and facts upon which complaint was grounded, are conclusory and do not form specific basis for not adopting report and recommendation). Objections to a Report must be specific and clearly aimed at particular findings in the magistrate's proposal, such that no party be allowed a “second bite at the apple” by simply relitigating a prior argument. Camardo, 806 F. Supp. at 381-82.

Defendant objects to essentially all aspects of the Report's analysis of the issue of transfer and the Court therefore reviews the Report de novo. The Court has determined upon careful review of the relevant submissions that the Report's thoughtful and thorough analysis of the factors relevant to the transfer determination pursuant to 28 U.S.C. § 1404(a) is entirely correct. In its objections to the Report, Defendant seeks to minimize the occurrence of relevant events and the presence of witnesses in the New York area, as well as the significance of Plaintiffs' choice of forum and this Court's familiarity with the governing law. For the reasons stated in the Report, these arguments are unpersuasive. The Court therefore hereby adopts the Report in its entirety.<sup>1</sup>

Defendant's motion to transfer this action or to require the posting of security is, accordingly, denied. This Order resolves docket entry no. 31.

SO ORDERED.

Dated: New York, New York  
May 18, 2011

  
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LAURA TAYLOR SWAIN  
United States District Judge

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<sup>1</sup> Defendant's "Partial Objections" do not address the Report's recommendation that the request for security be denied. For the reasons stated therein, the Report's recommendation in this respect is also adopted.